

**SENATE, No. 931**

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**STATE OF NEW JERSEY**

**220th LEGISLATURE**

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INTRODUCED JANUARY 31, 2022

**Sponsored by:**  
**Senator JAMES W. HOLZAPFEL**  
**District 10 (Ocean)**

**SYNOPSIS**

Requires electric distribution lines to be located underground in areas affected by severe weather or natural disasters.

**CURRENT VERSION OF TEXT**

As introduced.



1    **AN ACT** concerning placement of electric distribution lines and  
2       supplementing Title 48 of the Revised Statutes.

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4       **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5       *of New Jersey:*

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7       1.   As used in P.L., c.   (C.   ) (pending before the Legislature  
8       as this bill):

9       “Board” means the Board of Public Utilities or any successor  
10      agency.

11      “Electric distribution line” means a primary electric voltage line,  
12      wire, or cable including supporting structures and appurtenant  
13      facilities, which delivers electricity from transformation points on  
14      the transmission system to points of connection, which are not  
15      considered a transmission line, at a customer's premises.

16      “Electric public utility” means a public utility, as that term is  
17      defined in R.S.48:2-13, that transmits and distributes electricity to  
18      end users within this State.

19      “Electric transmission line” means electrical line, wire, or cable,  
20      including the supporting structures and appurtenant facilities, which  
21      transmits electricity from a generating plant to electric distribution  
22      lines.

23      “Interruption” means the cessation of electric, water, or gas  
24      utility service to one or more customers.

25      “Major catastrophic event” means a natural occurrence arising  
26      from conditions beyond the control of the electric public utility,  
27      including but not limited to, a thunderstorm, tornado, hurricane,  
28      flood, heat wave, snowstorm, ice storm, or an earthquake, which  
29      results in: (1) a sustained interruption of utility service to at least 10  
30      percent of the customers in an operating area or 10 percent of the  
31      customers of a municipality or county located in an operating area;  
32      or (2) the declaration of a state of emergency or disaster by the  
33      State or by the federal government.

34      “Operating area” means a geographical subdivision of each  
35      utility’s service territory.

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37      2.   The board shall initiate a proceeding and shall adopt, after  
38      notice and opportunity for public comment and public hearing,  
39      standards, consistent with federal law, concerning the location and  
40      placement of electric distribution lines in areas affected by major  
41      catastrophic events. The standards shall provide that, in operating  
42      areas that have been affected by a major catastrophic event, every  
43      electric distribution line of an electric public utility installed after  
44      the effective date of P.L., c.   (C.   ) (pending before the  
45      Legislature as this bill), or installed, reinstalled, or repaired in  
46      response to damage resulting from a major catastrophic event, shall  
47      be located underground, wherever feasible, as determined by the  
48      board. In adopting the standards, and in the issuance of orders

1 pursuant to the adoption of the standards, the board shall consider  
2 applicable federal regulations, industry codes, national electric  
3 industry practices, sound engineering judgment, and the ability of  
4 an electric public utility to obtain necessary municipal consent,  
5 easements, environmental permits, and rights of way.

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7 3. This act shall take effect on the 90th day after the date of  
8 enactment.

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11 STATEMENT

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13 This bill requires the Board of Public Utilities (BPU) to adopt  
14 standards providing that, in operating areas that have been affected  
15 by a major catastrophic event, every electric distribution line of an  
16 electric public utility installed after the effective date of the bill, or  
17 installed, reinstalled, or repaired in response to damage resulting  
18 from a major catastrophic event, is to be located underground,  
19 wherever feasible, as determined by the BPU. In adopting the  
20 standards, and in the issuance of orders pursuant to the adoption of  
21 the standards, the BPU is to consider applicable industry codes,  
22 national electric industry practices, sound engineering judgment,  
23 and the ability of an electric public utility to obtain necessary  
24 municipal consent, easements, environmental permits, and rights of  
25 way. A “major catastrophic event” is defined to mean a natural  
26 occurrence arising from conditions beyond the control of the  
27 electric public utility, including but not limited to, a thunderstorm,  
28 tornado, hurricane, flood, heat wave, snowstorm, ice storm, or  
29 earthquake which results in: 1) a sustained interruption of electric,  
30 water, or gas utility service to at least 10 percent of the customers in  
31 an operating area or 10 percent of the customers of a municipality  
32 or county located in an operating area; or 2) the declaration of a  
33 state of emergency or disaster by the State or by the federal  
34 government.